



PTO/SB/21 (09-04)  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/828,705

Filing Date

April 21, 2004

First Named Inventor

Zielinski et al.

Art Unit

2856

Examiner Name

Rodney T. Frank

Attorney Docket Number

37041-11406

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Request for Reconsideration of Petition under 37 CFR 1.47(a); Declaration; Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Jenner & Block LLP, One IBM Plaza, Chicago, IL 60611		
Signature			
Printed name	Mark P. Vrla		
Date	March 18, 2005	Reg. No.	43,973

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Loraine Perry	Date	March 18, 2005

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DAE  
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Attorney Docket No.  
37041-11406

Loraine Perry  
(Type Name of Person Mailing Correspondence)

*Loraine Perry* March 18, 2005  
Signature Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zielinski et al. )  
Serial No. 10/828,705 )  
Filed: April 21, 2004 )  
Group Art Unit: 2856 )  
Examiner: Rodney T. Frank )  
Title: Proximity Sensor for Level Sensing )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)**

Sir:

This paper is responsive to the Decision Refusing Status Under 37 CFR 1.47(a) mailed on January 28, 2005, having a period for response that expires on March 28, 2005.

As suggested by the Senior Petitions Attorney, a further search was conducted for the non-signing inventor, namely, Michael Zielinski. Mr. Zielinski was located as a result of this search, and he subsequently signed a Power of Attorney and Declaration, both of which are enclosed. Accordingly, Applicants respectfully request that they be permitted to continue prosecution of this application.

Respectfully submitted,



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Mark P. Vrla

Registration No. 43,973

Dated: March 18, 2005

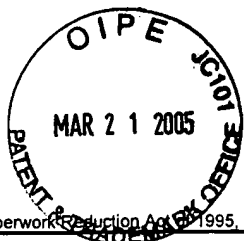
JENNER & BLOCK LLP

One IBM Plaza

Chicago, IL 60611

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PTO/SB/81 (06-04)

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/828,705
Filing Date	April 21, 2004
First Named Inventor	Zielinski et al.
Title	Proximity Sensor for . . .
Art Unit	2856
Examiner Name	
Attorney Docket Number	34814-11406

I hereby appoint:

☒ Practitioners associated with the Customer Number:

02574

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

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Individual Name

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Fax

I am the:

☒ Applicant/Inventor.☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record (if assignee, put name, title and company name in the "Name" space below)

Name Michael R. Zielinski

Signature

Michael R. Zielinski

Date

3/16/05

Telephone

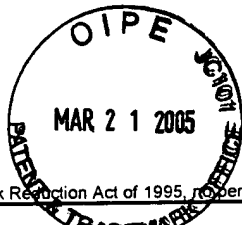
734 722 9437

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/01 (08-03)

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**Declaration  
Submitted  
With Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number 37041-11406

First Named Inventor Zielinski et al.

**COMPLETE IF KNOWN**

Application Number 10/828,705

Filing Date April 21, 2004

Art Unit 2856

Examiner Name

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Proximity Sensor for Level Sensing

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

April 21, 2004

as United States Application Number or PCT International

Application Number

10/828,705

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: 02574		OR <input type="checkbox"/> Correspondence address below	
Name			
Address			
City		State	ZIP
Country	Telephone	Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Michael R.		Zielinski	
Inventor's Signature		SIGN HERE	
M. R. Zielinski			
Residence: City	State	Country	Citizenship
Holland Westland	Michigan	USA	USA
Mailing Address			
12148 Parkview Lane, 3A 6501 Yale Rd, # 717 Westland, MI 48185			
City	State	ZIP	Country
Holland Westland	Michigan	48185	USA
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Michael Jon		Taylor	
Inventor's Signature		Date	
Michael J. Taylor		11/15/2004	
Residence: City	State	Country	Citizenship
Longmont	Colorado	USA	USA
Mailing Address			
717 Hays Circle			
City	State	ZIP	Country
Longmont	Colorado	80501	USA
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			